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ABSTRACT

This booklet gives general information on the provisions of the Labor Law and other laws governing the employment of minors in New York state. The legal provisions discussed in summary form in the booklet are contained in several different federal and state laws. The document describes provisions governing school attendance, minimum working age, the issuance of employment certificates and permits, special and prohibited occupations, hours of work, safety and health, minimum wages, equal pay, payment of wages, benefits, workers' compensation, unemployment insurance, state job service, school to employment program, apprenticeship, and employment discrimination. A list of state administrative agencies dealing with these laws completes the booklet. (KC)

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Laws Governing the Employment of Minors in New York State

NY State Department of Labor

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STATE OF NEW YORK
Mario M. Cuomo, Governor

DEPARTMENT OF LABOR
Thomas F. Hartnett, Commissioner

A Message from Governor Mario M. Cuomo

One of my administration's foremost goals is finding jobs for the younger members of the family of New York.

We must also make sure, however, that the safety and health of our youths are protected on the job and that their jobs do not interfere with their education.

"Laws Governing the Employment of Minors" cites the laws that employers must observe when employing youths. I urge employers to use this guide as they bring more young people into the labor force.

Mario M. Cuomo

Mario M. Cuomo
Governor

A Message from Commissioner Thomas F. Hartnett

If you're one of the many employers in New York State who are offering jobs to our young people, you should be aware of the qualifications placed on youth employment by the state's child labor laws.

"Laws Governing the Employment of Minors" is designed as a guide for employers, guidance counselors and others who are involved with youth employment.

If you have questions that are not answered by this booklet, contact the state Department of Labor's Division of Labor Standards.

Thomas F. Hartnett

Thomas F. Hartnett
Commissioner

Laws Governing Employment of Minors in New York State

State of New York
Department of Labor

Division of Labor Standards

State of New York
Mario M. Cuomo
Governor

Department of Labor
Thomas F. Hartnett
Commissioner of Labor

Prepared by the
OFFICE OF COMMUNICATIONS

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Table of Contents

PAGE	
1	Introduction
3	School Attendance
3	Minimum Age for Employment
4	Employment Certificates and Permits
5	Types of Employment Certificates and Permits
5	Certificates
6	Permits
6	Other Types of Certificates
7	Obtaining Employment Certificates and Permits
8	Change of Jobs
8	Duties of Employer
9	Duties of Employment Agencies
9	Special Occupations
9	Delivery and Clerical Employment in Factory Offices and Service Stores
10	Newspaper Sales and Delivery
11	Bootblacks
11	Child Actors
12	Child Models
12	Prohibited Occupations
Centerfold	Chart: Hour Regulations
18	Hours of Work
19	Nightwork Restrictions
20	Definitions of Factory and Mercantile Establishments
20	Posting Provisions
21	Safety and Health
21	Minimum Wages
21	New York State Minimum Wage Laws
21	Minimum Wage Act
22	Minimum Wage Standards for Farm Workers
22	Enforcement of Minimum Wage Laws
23	Minimum Wages for Employees Covered by Federal Law
23	Minimum Wages for Work Done Under United States Government Contracts
23	State Prevailing Wage Laws
24	Equal Pay
24	Payment of Wages

PAGE

26 Fringe Benefits
26 Collection of Wages
26 Cost of Medical Examinations
26 Workers' Compensation
28 Disability Benefits
28 Unemployment Insurance
29 State Job Service
29 Other Youth Services
32 Cooperative Educational Programs
32 School to Employment Program
32 Apprenticeship Program
33 Transportation by Truck of Seasonal Farm Workers
33 Licensing of Hairdressers and Barbers
33 Anti-Discrimination
34 Sale of Goods Produced with Employment of Minors
34 Violations
35 Administrative Agencies

Introduction

This booklet is intended to give general information on the provisions of the Labor Law and other laws governing the employment of minors in New York State. **Certain details are omitted and the statements in this booklet are not to be construed as official statements or interpretations of the law.** A complete copy of the Labor Law may be obtained as indicated on the back cover of this booklet.

The legal provisions discussed in summary form in the booklet are contained in several different laws, federal and state. Provisions governing school attendance, the issuance of employment certificates, the employment of children under 16 years of age as actors, the employment of child models, and newspaper carrier and street trades work are part of the New York State Education Law and the Cultural Affairs Law.

The Labor Law contains provisions relating to minimum age for employment, prohibited employment, hazardous occupations, hours of work, minimum wages, payment of wages, unemployment insurance, apprenticeship, and occupational safety and health standards in areas not covered by federal standards. Industrial Code Rules implement specifically the general occupational safety and health provisions of the Labor Law. The state Labor Department administers the Labor Law under the supervision of the Commissioner of Labor.

The Workers' Compensation Law contains the provisions relating to workers' compensation and disability insurance.

For establishments covered by the Federal Fair Labor Standards Act, federal laws on minimum wage, overtime pay and child labor may in some cases set higher standards than state requirements. The requirements of state law do not affect an employer's obligation to comply with any provisions of federal law. Information on federal laws may be obtained from the offices listed on page 36.

School Attendance

Full-time school is compulsory for children under 16 years old. Regulations in the particular community may require attendance of unemployed minors until the age of 17. High school graduates, regardless of age, are not required to continue school.

Minimum Age for Employment

With certain exceptions, and subject to employment certificating requirements:

- **Children not yet 14** may not be employed at any time, neither after school nor during vacation.
- **Children 14 and 15** years old may work after school hours and during vacations but not in factory work. They may do delivery and clerical work in any enclosed office of a factory, and in dry cleaning, tailor, shoe repair and similar service stores.
- **Children 16** years of age or older, if not attending school, may work full time throughout the year. Factory work is permitted for children 16 years of age or older.
  (See "Prohibited Occupations," Page 13.)

Exceptions:

1. Children 12 years of age or older may be employed in the hand harvest of berries, fruits, and vegetables.
2. Boys and girls 11 years of age or older may work outside school hours as newspaper carriers to deliver, or sell and deliver, newspapers, shopping papers or periodicals to homes or business places.* (Boys and girls 14 years of age and over may be engaged in street trades work, i.e. selling newspapers or periodicals on streets or public places.)
3. Children 12 years of age or older may work outside school hours for their parents or guardians either on the home farm or at other outdoor work not connected with a business.
4. There is no minimum age for child performers at theatrical, radio, or television performances or for child models.

**Under federal law a 14-year age minimum is required for delivery of periodicals and similar items.*

5. Children 15 years old who can no longer profit from further available instruction may be permitted to work full time in a place other than a factory.

Employment Certificates and Permits

An employment certificate or permit is required for children under 18 before they may begin work. High school graduates, children who work for their parents, and children who do industrial homework are included in this group.

Exceptions:

1. An employment certificate or permit is not required for work as a caddy on a golf course. The caddy must be at least 14 years old, however.
2. An employment certificate is not required for a baby-sitter. The baby-sitter, however, must be at least 14 years old.
3. A farm work permit is not required for young people 16 or older to work on a farm. Children 14 and 15 must have such a permit for farm work. A permit also is required for children 12 to 14 employed in the hand harvest of berries, fruits, and vegetables.
4. An employment certificate or permit is not required for children 12 years of age or older working for their parents either on the home farm or at other outdoor work not connected with a business.
5. An employment certificate is not required for a college student 16 or 17 years of age employed by a nonprofit college or university or fraternity, sorority, student association or faculty association.
6. An employment certificate is not required for a minor 14 or 15 years of age to engage in casual employment consisting of yard work and household chores in and about a residence or the premises of a nonprofit, noncommercial organization, not involving the use of power-driven machinery. Minors 16 or 17 do not need employment certificates for casual work even it if involves power-driven machinery ordinarily used in connection with yard work or household chores.

For **lawn and garden work,** therefore, the requirement for an employment certificate depends on the minor's age, whether power-driven machinery is used, and whether the employment is casual

(without regularity, occasional, without foresight, plan or method). The following table will clarify when a certificate is needed:

	MINORS 14 AND 15 YEARS OLD	MINORS 16 AND 17 YEARS OLD
No power-driven machinery used	No certificate if work is casual Certificate required if work is regular	No certificate if work is casual Certificate required if work is regular
Power-driven machinery used	Certificate required whether or not work is casual.*	No certificate if work is casual Certificate required if work is regular

**Federal law requires a 16-year age minimum for the operation of power-driven machinery, including power-driven lawn mowers.*

Types of Employment Certificates and Permits

Certificates

A Student Non-Factory Employment Certificate is issued to a minor 14 or 15 years old for permitted work in any trade, business or service, but not for work in a factory workroom or for work involving use of dangerous materials or chemical processes.

A Student General Employment Certificate is issued to a minor 16 or 17 years old who is attending school. It is valid for work in a factory or any other trade, business or service, but not valid for hazardous employment such as operating certain power-driven machines, construction work, or for work as a helper on a motor vehicle.

A Full-Time Employment Certificate is issued to a minor 16 or 17 years old who is not attending school, or is leaving school for full-time employment. It is valid for work in a factory or any other trade, business or service but not valid for hazardous employment such as operating certain

power-driven machines, construction work, or for work as a helper on a motor vehicle. (See "Prohibited Occupations," on page 12.)

Permits

Farm Work Permits are issued to young people 14 and 15 years of age for farm work during vacation, before or after school hours, and on days when attendance at school is not required. Such a permit must be signed by each employer, and is subject only to the condition that it is not valid for work in or in connection with a factory or cannery. A minor may change his farm job without obtaining a new permit.

Permits are also issued to youngsters 12 to 14 years of age employed in the hand harvest of berries, fruits and vegetables. Such minors must be accompanied by a parent or must provide the employer with the parent's written consent to work.

Newspaper Carrier Permits are issued to boys and girls 11 to 18 years of age for work in the delivery, or sale and delivery, of newspapers, shopping papers or periodicals to homes or places of business. The minor must carry the permit with him while working. (See page 10 under Special Occupations. Also, see footnote on page 3.)

Street Trade Permits are issued to self-employed boys and girls 14 to 18 years old who sell newspapers or periodicals on streets or public places or who work as bootblacks. (See page 10 under Special Occupations.)

Child Model Permits are issued for the employment of child models under 18 (See page 12 under Special Occupations.)

Other Types of Certificates

Special Employment Certificates may be obtained by minors 15 years old who are found to be unable to profit by further available school instruction. Such certificates permit the holder to work full time but are not valid for factory work. Issuance of such certificates must be recommended by a clinic of the state Department of Mental Health or similar recognized clinic, and be approved by the Bureau of Pupil Services of the State Education Department.

Certificates of Age. For his/her protection, an employer may request a certificate of age from a minor over 18 years of age. Age certificates are issued by the school authorities upon application of the minor. The employer should keep the age certificate on file. It is conclusive evidence of the age certified.

Obtaining Employment Certificates and Permits

Information as to the location of the local education office where employment certificates, permits, or badges are issued may be obtained at the school the minor is attending or from the superintendent of schools in the locality.

To obtain a Student Non-Factory Employment Certificate or a Student General Employment Certificate the minor must submit:

1. **Parent's permission,** in writing, for the child to work;

2. **Documentary proof of age,** which may be a birth certificate or other recorded evidence in existence two years or more and satisfactory to the certificating officer;

3. **A certificate of physical fitness** to assure that the minor is in sound health and that the work will not impair his or her physical condition.

Physical examinations are given by school medical doctors or by physicians designated by the department of health. A certificate of physical fitness may be issued by the minor's own doctor. (For children from neighboring states who seek work in this state a physical fitness certificate issued in the neighboring state is acceptable). If the examining physician finds that a youth 14 to 18 is not physically fit for some occupations but may engage safely in other types of work, an employment certificate may be issued on a certificate of limited physical fitness. Such an employment certificate is valid only for a period not exceeding six months and only for the occupation specified.

For a **Full-Time Employment Certificate,** the parent or guardian must personally appear before the school authorities to indicate consent. (For high school graduates, written consent is accepted.) In addition, proof of age, certificate of physical fitness, and a schooling record are required. A pledge of employment signed by the prospective employer, showing the number of working hours a day, days per week, and the nature of the work to be done by the minor is required only in New York City and Buffalo for 16-year-old minors who are leaving school.

For a **Farm Work Permit,** the minor must submit parent's permission, proof of age, and a certificate of physical fitness. A pledge of employment is not required.

For a **Newspaper Carrier Permit, or Street Trades Permit,** the minor must present parent's permission, proof of age, and a statement

from a school, department of health or private doctor that the minor is physically fit. For the newspaper carrier permit, the medical statement is **not** required if the applicant is qualified to participate in the school's physical education programs.

For a **Child Model Permit,** the consent of the parent or guardian and a health certificate are required.

For a **Special Employment Certificate,** the minor must submit the records required for a full-time employment certificate, except that a schooling record is not required. Also required are a clinical report that the child is no longer able to profit by further available school instruction and the approval of the Bureau of Pupil Services in the State Education Department.

Change of Jobs

Employment Certificates expire two years after issuance.

The Student Non-Factory Employment Certificate, the Student General Employment Certificate and the Full-Time Employment Certificate may be used for an unlimited number of employers. When the minor leaves employment, he or she should obtain the certificate from the employer.

The farm work permit and the child model permit may be used for any employer but each employer must sign the permit.

A newspaper carrier permit may be used for any publisher or distributor who supplies the papers or periodicals to the minor.

Duties of Employer

The employer is required to keep **Student Non-Factory, Student General** and **Full-Time Employment Certificates** on file in his/her office as long as the minor remains in his/her employ.

Farm Work Permits, Child Model Permits, Newspaper Carrier Permits, and **Street Trades Permits** are retained by the minor at all times.

Where a temporary placement agency is engaged in the business of assigning employees for temporary service at other establishments, such agency must keep on file the original copy of the **Student Non-Factory, Student General** or **Full-Time Employment Certificate** in its office and provide copies at the establishment where the minor works.

Duties of Employment Agencies

Employment agencies have certain obligations under the law with regard to placement of minors on jobs. They may not refer youngsters to any job if the employment violates the provisions of the Labor Law or Education Law pertaining to employment of minors. They may not refer minors, or any person, to jobs paying less than the prescribed federal or state minimum wage. They may not recruit out-of-state youngsters, below 18 years of age, for placement in domestic employment.

State law fixes the maximum fee an employment agency may charge a job applicant. Another protection in the law prohibits agencies from misrepresenting jobs. These agencies also must be licensed.

The Employment Agency Law (Article 11, General Business Law), which regulates the activities of employment agencies, is administered by the Department of Labor throughout the state except in New York City, where enforcement is the responsibility of the New York City Department of Consumer Affairs.

The Labor Department is authorized to enforce the law prohibiting an employment agency from illegally referring a minor to a job or referring any person to a job paying less than the applicable state minimum wage.

Special Occupations

Delivery and Clerical Employment in Factory Offices and Service Stores

Although no child under 16 may work in a factory workroom, 14-or 15-year-olds may work in delivery and clerical jobs in a factory office that is enclosed and separate from the place where manufacturing is carried on. The office must have a partition at least seven feet high, and must have an entrance that will permit the child to enter or leave the office without passing through the factory workroom.

A child 14 or 15 also may work in a delivery or clerical job in a dry cleaning store, tailor shop, shoe repair shop, laundry store, hat cleaning store, and similar service stores, but he or she is not permitted to work in proximity to dangerous machinery, equipment or process.*

**Federal law requires that any delivery work for retail stores which is performed by 14 and 15-year-olds be made on foot, by bicycle or public transportation. It also forbids them from working in a workplace where processing (such as laundering or dry cleaning) takes place.*

Newspaper Sales and Delivery

There are two principal occupations relating to newspaper sales and delivery:

1. Newspaper Carrier

The Education Law defines a newspaper carrier as one who delivers, or sells and delivers, newspapers, shopping papers or periodicals to customers at their homes or places of business.

The minimum age for a newspaper carrier is 11. (See footnote on page 3.) A permit is required for all newspaper carriers between 11 and 18. To obtain a newspaper carrier permit, a minor must present proof of age and his or her parent's consent to the certificating educational authorities in the school district where he or she lives. A statement from a private doctor or a school or department of health doctor that the minor is physically able to do the work also is required. Outside New York City, Buffalo and Rochester, the school doctor's statement may be based on the annual physical examination required by the Education Law. The medical statement is not required if the applicant is qualified to participate in the school's physical education program.

A newspaper carrier may not work before 5 a.m., after 7 p.m. or 30 minutes prior to sunset, whichever is later, nor during the time when required to attend school. The minor may not work more than four hours on a day when school is in session or more than five hours on a day when school is not in session.

A newspaper carrier permit is not valid for work as a helper on a newspaper delivery truck delivering papers to stores or distributors.

The newspaper publisher or distributor who supplies the papers or periodicals to the carrier must provide workers' compensation insurance for that employee. A newspaper publisher or distributor who knowingly permits a newspaper carrier to work in violation of the provisions of the Education Law is liable for a double indemnity compensation award if the minor is injured. The newspaper supplier cannot insure himself for the additional award but must pay it himself.

It is unlawful for a person knowingly to deliver newspapers or periodicals to a newspaper carrier who is not in compliance with the regulations. The Commissioner of Labor and the police have concurrent power to enforce the regulations, except with respect to the issuance and revocation of certificates or badges, which is under the jurisdiction of the local

educational authorities. (Note: The above newspaper carrier regulations do not apply to a minor employed to sell newspapers at a stand owned either by a candy store proprietor or by a newspaper publisher or distributor. Such a minor is covered by the provisions of the Labor Law applying to minors employed in other industries or occupations.)

2. Street Trades - Selling Newspapers

The street trades provisions of the Education Law apply to a self-employed boy or girl who sells newspapers or other periodicals on streets or in other public places. The minimum age is 14 and a street trades certificate or badge is required for all minors between 14 and 18 engaged in a street trade. To obtain a street trades certificate or badge, the minor must present to the school authorities his or her parent's permission and proof of age. A statement from a private doctor or a school or department of health doctor that the child is physically able to do the work also is required. Outside New York City, Buffalo and Rochester the school doctor's statement may be based on the annual physical examination required by the Education Law.

A minor engaged in a street trade **may not work** before 6 a.m., after 7 p.m., nor during the time he is required to be in school. He may not work more than four hours on a day when school is in session nor more than five hours on a day when school is not in session.

The Commissioner of Labor and the police have concurrent power to enforce the street trades regulations, except with respect to the issuance and revocation of certificates or badges, which is under the jurisdiction of the educational authorities.

Bootblacks

The street trades regulations applying to the selling of newspapers, as described above, apply also to work as a self-employed bootblack on streets or in other public places.

Child Actors

Young people under 16 may not be employed to perform in a theatrical performance, in the making of a motion picture, or in a radio or television broadcast without special permission. A child performer permit shall be issued by the mayor or chief executive officer of the city, town or village where the exhibition, rehearsal or performance will take place.

The mayor or chief executive officer may solicit the assistance of a child protective organization if there is one in the community or of other state or

local agencies as he or she may determine. In New York City, application for such permission must be made to the New York City Department of Social Services, Special Services for Children, 80 Lafayette Street, New York, New York 10013. Performers 16 and 17 years of age are required to obtain employment certificates.

Child Models

Young people not yet 18 may not be employed or exhibited as models without a permit from the educational authorities. The permit authorizes employment by several employers, but each employer must sign the permit.

Prohibited Occupations

Young people may not be employed at certain occupations and in specified industries involving the use of dangerous machines and procedures. The occupations prohibited depend on the age and sex of the minor involved. Farm work is exempted from any of the applicable state regulations listed below.

Females of any age may not be employed:

In factory or mercantile establishments within four weeks after childbirth unless she presents to her employer a written statement expressing her desire for earlier employment and a written opinion by a qualified physician that she is physically and mentally capable of discharging the duties of her employment.

In addition to the above-
Males and females under 21 may not work:

In tunnels as hoisting engineers or locomotive drivers.

In a dry cleaning establishment as supervisors of dry dyeing and deterging rooms.

As hoisting engineers in mines in charge of hoists on which persons are permitted to ride.

In construction work as operators of certain types of cranes. (An 18-year-old minor may work as an apprentice under direct supervision of a trained crane operator.)

In the operation of explosive powered tools.

In addition-

Boys and girls younger than 18 may not be employed in or assist in:

Any occupation at construction work, including wrecking, demolition, roofing or excavating operations and the painting or exterior cleaning of a building structure from an elevated surface.

Any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, bakery and paper products machines.

Any occupation involved in the operation of circular saws, bandsaws and guillotine shears.

Any occupation involved in the operation of power-driven hoisting apparatus.

Any occupation involved in the manufacture of brick, tile and kindred products.

Any occupation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust.

Logging occupations and occupations in the operation of any saw mill, lath mill, shingle mill or cooperage-stock mill.

Any occupation in or in connection with a mine or quarry.

As a helper on a motor vehicle.

The care or operation of a freight or passenger elevator, except that minors over 16 may operate automatic, push button control elevators.

Work in manufacturing, packing, or storing of explosives, or in the use or delivery of explosives.

Operating or using any emery, tripoli, rouge, corundum, stone, silicon carbide, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured.

Adjusting belts to machinery or cleaning, oiling or wiping machinery.

Packing paints, dry colors, or red or white leads.

Preparing any composition in which dangerous or poisonous acids are used.

Operating steam boilers subject to Section 204 of the Labor Law.

In penal or correctional institutions, if such employment relates to the custody or care of prisoners or inmates.

(The foregoing prohibitions do not apply to minors younger than 18 who are apprentices individually registered in apprenticeship programs duly registered with the Commissioner of Labor; or to student-learners enrolled in recognized cooperative vocational training programs, or to trainees in approved on-the-job training programs.

The foregoing also do not apply to a minor 16 to 18 years old employed in the occupation in which he or she has completed training as a student learner or as a trainee in an on-the-job training program, or has completed a training program given by a public school or in a nonprofit institution which includes safety instruction approved by the Commissioner of Labor. Regulations governing such approval have been issued.)

Tree-trimming near power lines.

Operating amusement devices at carnivals, fairs and amusement parks, except that minors at least 16 years old may operate devices designed for the exclusive use of small children.

Operating any machine which requires guards, unless it is equipped at the point of operation with the guard specified.

Work in underground tunneling operations.

Work as window cleaners.

Selling, dispensing or handling alcoholic beverages, including beer, on premises used for retail sale of such beverages. (Minors under 18 may be employed in grocery stores holding beer licenses to handle and deliver beer and to act as cashier for off-premises beer sales when in the presence of and under the direct supervision of a person 18 years of age and over.)

Appearing as entertainers on premises used for retail sale of alcoholic beverages except where the appearance is approved and under the sponsorship of a primary or secondary school, is supervised by a teacher from that school, and the minor's parent or guardian gives his or her written consent; or where the state Liquor Authority has issued a special permit authorizing a minor under 18 years of age to appear as an entertainer at the premises licensed for retail sales of alcoholic beverages.

In addition to the state regulations concerning prohibited occupations there are **17 Federal Hazardous Orders in Non-agricultural Occupations** prohibiting the employment of minors under 18 engaged in interstate commerce. These orders apply to:

1. Occupations in or about plants manufacturing or storing explosives or articles containing explosive components.
2. Occupations of motor vehicle driver and outside helper.
3. Coal-miner occupations.
4. Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.
5. Occupations involved in the operation of power-driven woodworking machines.
6. Occupations involving exposure to radioactive substances and to ionizing radiation.
7. Occupations involved in the operation of elevators and other power-driven hoisting apparatus. (However, minors 16 and 17 years old are permitted to operate and ride on automatic enclosed elevators).
8. Occupations involved in the operation of power-driven metal-forming, punching, and shearing machines.
9. Occupations in connection with mining, other than coal.
10. Occupations involving slaughtering, meat packing or processing, or rendering.
11. Occupations involved in the operation of certain power-driven bakery machines.
12. Occupations involved in the operation of certain power-driven paper products machines.
13. Occupations involved in the manufacture of brick, tile, and kindred products.
14. Occupations involving the operation of power-driven circular saws, band saws, and guillotine shears.
15. Occupations involving wrecking, demolition, and shipbreaking operations.
16. Occupations involving roofing operations.

17. Occupations involving excavation operations.

(NOTE: Orders 5, 8, 10, 12, 14, 16 and 17 contain exemptions for apprentices and student learners, and high school graduates who have completed training as student learners, when employed under prescribed conditions.)

In addition to the above, under state regulations:

Boys and girls under 16 may not be employed in or assist in:

Any occupation in or in connection with a factory, except in delivery and clerical employments in an enclosed office of a factory or in dry cleaning stores, shoe repair shops and similar service stores. (See footnote on Page 9.)

Painting or exterior cleaning in connection with the maintenance of a building or structure.

The operation of washing, grinding, cutting, slicing, pressing or mixing machinery.

Operating or assisting in operating any machinery unless all moving parts other than keys, levers or handles are so guarded as to prevent any part of the person or clothing of the operator from coming into contact therewith.

Any employment in institutions in the Department of Mental Health provided, however, that participation in recreation and leisure activities, social skills development, companionship and/or entertainment as part of an organized volunteer program approved by the Commissioner of Mental Health, shall not constitute employment or assistance in employment and may be performed by youthful volunteers at least 14 years of age.

Industrial homework.

Places of entertainment as a rope or wire walker or gymnast unless the child is protected by the use of safety devices or protective equipment which comply with the provisions of the federal Occupational Safety and Health Act.

Peddling; drug traffic; or any practice, exhibition or place dangerous or injurious to life, limb or morals.

Hour Regulations

AGE OF MINOR (Girls and Boys)	INDUSTRY OR OCCUPATION	MAX
MINORS ATTENDING SCHOOL		
When School in Session		
14 and 15	All occupations except farm work, newspaper carrier and street trades.	3 hours 8 hours
16 years		4 hours 8 hours
17 years	Factory, mercantile, beauty service, restaurant, hotel, telegraph or messenger service.	8 hours
	Telephone answering service.	8 hours
When School Not in Session (Vacation)		
14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours
16 and 17	Factory, mercantile, beauty service, restaurant, hotel telegraph or messenger service	8 hours
	Telephone answering service.	8 hours
MINORS NOT ATTENDING SCHOOL		
16 and 17	Factory, mercantile, beauty service, restaurant, hotel telegraph or messenger service. Telephone answering service.	
FARM WORK		
12 and 13	Hand harvest of berries, fruits and vegetables.	
14 to 18	Any farm work.	
NEWSPAPER CARRIER		
11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places. (Also, see footnote page 3.)	4 hou 5 hou
STREET TRADES		
14 to 18	Self employed work in public places selling newspapers or work as a bootblack.	4 hou 5 hou

[1] Students 14 and 15 enrolled in approved work-study programs may work four h in such programs to work three hours on a school day, four hours a day when sch hours a week when school is not in session.

[2] Federal regulations applicable to employment in interstate commerce limit we

[3] This prohibition applies only to factory, mercantile, beauty service, restaurant

[4] This provision does not apply to minors employed in resort hotels or restaura

IMUM DAILY HOURS	MAX. WEEKLY HOURS	MAX. DAYS P/WEEK	PROHIBITED HOURS
on school days[1]	23[1,2]	6	7 P.M. to 7 A.M.
on other days			
on school days	28	6	Midnight to 6 A.M.[3]
on other days	48	6	Midnight to 6 A.M.
	48	6	
	40	6	7 P.M. to 7 A.M.
	48[4]	6[4]	Midnight to 6 A.M.[4]
	48	6	
8 hours	48	6	Midnight to 6 A.M.
8 hours	48[4]	6[4]	
4 hours			4 P.M. to 9 A.M.
on school days			7 P.M. or 30 minutes prior to sunset, whichever is later, to 5 A.M..
on other days			
on school days			7 P.M. to 6 A.M.
on other days			

s a day, 28 hours a week. Federal law, however, permits students enrolled
s not in session, 23 hours in any one week when school is in session, and 28

hours of work for minors 14 and 15 to a maximum of 18 hours.
tel, telegraph or messenger service.
n resort areas.

In addition, federal regulations issued under the **Federal Fair Labor Standards Act** prohibit employment of boys and girls under 16 in the following occupations in interstate firms:

Operating or tending hoisting apparatus or power-driven machinery other than office machines.

Public messenger service.

Occupations in connection with transportation or persons or property, warehousing and storage, communications and public utilities, and construction, except office and sales work not involving duties on a means of transportation or at a construction site.

Any mining occupation.

Processing occupations such as filleting fish, dressing poultry or cracking nuts.

Occupations requiring performance of any duties in work areas or work places where goods are manufactured, mined or otherwise processed.

In the following occupations in a retail, food service, or gasoline service establishment covered by the federal wage and hour laws:

1. Work in boiler or engine rooms.
2. Outside window washing involving work from window sills, ladders or scaffolds.
3. Cooking, except at soda fountains and lunch bars.
4. Baking.
5. Work with power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.
6. Work in freezers, meat coolers and in preparation of meats for sale, except wrapping, pricing, sealing, labeling, weighing and stocking when performed in other areas.
7. Loading and unloading goods to and from trucks, railroad cars and conveyors.
8. Maintenance or repair of establishment or machines, except cleanup work and maintenance of grounds if not involving the use of power-driven mowers and cutters.

9. Work in connection with cars or trucks involving use of pits, racks or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a movable retaining ring.

In addition there is a **Federal Hazardous Occupations Order** covering minors under 16 years of age engaged in farm work. The federal order sets certain occupational restrictions for agricultural workers under 16 years of age employed in the production of goods for interstate commerce. The order is applicable regardless of whether or not the minors are covered by federal minimum wage provisions. The order lists 16 prohibited occupations for minors under 16 years of age, including working with certain power-driven farm machinery, operating a tractor with over 20 PTO horsepower; and working with explosives or certain chemicals.

The prohibitions on **child labor on farms** do not apply, however, to children employed on a farm owned or operated by their parents, or to students enrolled in a recognized vocational education training program. In addition, exemptions are provided for 4-H members who have completed designated training programs and participants in other approved farm training and education programs. Details of these exemptions may be obtained from the nearest office of the United States Department of Labor, Wage and Hour Division.

In addition to the above–
Boys and girls under 16 may not be employed in:

The manufacture or furnishing of any article included in the U.S. Government contract in excess of $10,000. (Federal Public Contracts Act.)

Hours of Work

The limitations on the working hours of young people depend upon age, the particular type of work, and whether the youngster is attending school. **No youngster may work during the hours when he or she is required to attend school.**

When school is in session, from September to June generally, children 14 and 15 years old may not be employed in any occupation (except farm work and selling or distributing newspapers):

a. More than three hours on any school day;
b. More than eight hours on Saturday or a non-school day;
c. More than 23 hours in any week;
d. More than six days in any week.

However, the 14 or 15 year old minor employed as part of any type of supervised work study or work experience program approved by the Commissioner of Education may work four hours on a school day and 28 hours a week, instead of three hours a day and 23 hours a week. (Also, see footnote 1 in the centerfold.)

When school is in session, children 16 years old enrolled in a day school, other than a part-time or continuation school, may not be employed in any occupation (except farm work and selling or distributing newspapers):

a. More than four hours on any school day;
b. More than eight hours on Saturday or a non-school day;
c. More than 28 hours in any week;
d. More than six days in any week.

When school is not in session, and during vacations, children under 18 generally may not work more than eight hours a day, six days a week; children 14 and 15 may not work more than 40 hours a week and children 16 and 17 may not work more than 48 hours a week. Details appear in the chart in the centerfold.

Federal legislation limits the work of children 14 and 15 years old in firms engaged in interstate commerce to a maximum three-hour day and 18-hour week when school is in session, and to an eight-hour day and 40-hour week when school is not in session.

In school cafeterias, a child who has an employment certificate may work during the lunch period at the school that he or she attends.

On farms, children 12 to 14 having farm work permits to pick berries, fruits, or vegetables may not work more than four hours per day, before 9 a.m. or after 4 p.m. or when school is in session. There are no hours regulations for farm work for children over 14 years old. (Also, see footnote 2 in the centerfold.)

Two Jobs - When a minor is employed in two or more establishments in the same day or week, the total time of employment may not exceed that allowed per day or per week in a single establishment.

Nightwork Restrictions

In addition to the above limitations on the number of hours children may work a day or a week, the law prohibits the employment of minors before and after certain hours, depending on the age and occupation of the

minor. The following nightwork restrictions apply throughout the year, whether or not school is in session.

Boys and girls under 16 may not work:

Between 7 p.m. and 7 a.m. in most jobs (Exceptions: newspaper carriers may not work between 7 p.m.--or 30 minutes prior to sunset, whichever is later--and 5 a.m.; minors engaged in street trades may not work between 7 p.m. and 6 a.m.; no hours restrictions for farm work for children over 14.)

Boys and girls 16 and 17 may not work:

Between 12 midnight and 6 a.m. in factories, mercantile establishments, beauty parlors, hotels and restaurants or in the distribution or transmission of merchandise, messages or articles. (Newspaper carriers may not work between 7 p.m.--or 30 minutes prior to sunset, whichever is later--and 5 a.m.; minors engaged in street trades may not work between 7 p.m. and 6 a.m.)

Additional details on nightwork regulations will be found in the chart in the centerfold.

Definitions of Factory and Mercantile Establishments

Under the Labor Law, a **factory** includes any mill, workshop or other manufacturing establishment and all buildings, sheds, structures or other places used for or in connection therewith, where one or more persons are employed at manufacturing, including making, altering, repairing, finishing, bottling, canning, cleaning or laundering any article or thing, in whole or in part, except (a) dry dock plants engaged in making repairs to ships; (b) power houses, generating plants, and other structures owned or operated by a public service corporation, other than construction or repair shops, subject to the jurisdiction of the Public Service Commission; and (c) refrigerated warehouses subject to the jurisdiction of or licensed by the Department of Agriculture and Markets, and buildings used in cleaning and packing celery.

Mercantile establishment means any place where one or more persons are employed in which goods, wares, or merchandise are offered for sale, including any building, shed, or structure or any part thereof, occupied in connection with such establishment.

Posting Provisions

An employer governed by provisions of the Labor Law or the Industrial Code Rules must keep posted in a conspicuous place in the establishment a summary of such laws as the Commissioner of Labor deems necessary.

A schedule of the daily hours of labor and of the days on which minors under 18 (covered by the hours provision) are required to work by the employer and the time when work begins and ends must be kept conspicuously posted on a form furnished or approved by the Commissioner of Labor in each establishment where such persons are employed. Minors are permitted to work only during posted hours and on posted days. The schedule of hours must not be changed after work is begun on the first day of the week without the consent of the Commissioner of Labor.

Safety and Health

Labor Law provisions for the protection of the lives, safety and health of employees apply to places not covered by a federal occupational safety and health standard (OSHA). Regulations implementing provisions in the Labor Law are to be found in the New York State Industrial Code Rules.

Minimum Wages

New York State Minimum Wage Laws

There are two state minimum wage laws:

(1) Minimum Wage Act - applicable to all occupations except farm work.

(2) Minimum Wage Standards for Farm Workers - applicable to farm workers only.

Minimum Wage Act (applicable to employment generally)

The General Industry Minimum Wage Act provides that all employees in the state, including domestic workers with certain specified exceptions, must be paid at least $3.35 per hour. This rate became effective on January 1, 1981. (See below for rates for farm workers.) Provisions calling for the payment of the hourly rate plus overtime and other fringe rates are contained in four General Industry Wage Orders effective January 1, 1987:

Restaurant Industry

Hotel Industry

Building Service Industry

Miscellaneous Industries and Occupations

The wage orders permit specified allowances from the minimum wage for meals and lodging supplied by an employer. In certain industries, allowances for tips are permitted.

Employers must post a Minimum Wage Information poster in their establishment.

Minimum Wage Standards for Farm Workers

(Applicable only to farm workers employed on farms where the total cash remuneration paid all persons employed on the farm aggregated $3,000 or more in the previous calendar year.)

The Minimum Wage Order for Farm Workers provides that all workers, with certain exceptions, must be paid at least $3.35 per hour. Not included under the wage order coverage are members of the employer's immediate family and minors under 17 years of age employed as hand harvest workers on the same farm as their parents or guardians and who are paid on a piece-rate basis at the same piece-rate as employees 17 years of age and over.

The wage order permits specified allowances from the minimum wage for meals and lodging supplied by an employer except that an allowance for lodging is not permitted in the case of seasonal migrant workers. An allowance may be permitted for payments in kind at not more than the farm market value.

Employers must post a summary of the wage order in their establishment.

Enforcement of Minimum Wage Laws

The Department of Labor helps collect underpayments for workers who have not received the minimum wage. Generally, recovery is made without the necessity for court action. A violator of the Minimum Wage Law is subject to criminal prosecution and penalties. Action may also be taken in civil court. The Commissioner of Labor may require an employer to pay interest and civil penalties in addition to minimum wage underpayments. Where an employee, or the Commissioner of Labor on behalf of the employee, brings civil court action and the failure to pay wages is found to be willful, he or she may recover the amount of the underpayment plus 25 percent in liquidated damages.

Minimum Wage for Employees Covered by Federal Law

Employees covered by the federal Fair Labor Standards Act are also under the full protection of all provisions of the applicable New York State minimum wage orders including their supplemental wage provisions. The requirements of the state law do not affect an employer's obligation to comply with any provision of the federal law which may result in a higher minimum wage. In any event, the higher minimum wage applies.

The federal minimum wage, effective January 1, 1981, is $3.35 an hour.

Minimum Wages for Work Done Under United States Government Contracts

Minimum wages paid to employees engaged in work done under United States government contracts in excess of $10,000 are governed by the Walsh-Healey Public Contracts Act. The Secretary of Labor fixes the minimum wage to be paid to such employees for particular industries. Each employee engaged in such work must be paid the minimum wage prescribed by the Secretary of Labor for such industry. In addition, such employees must be paid at the rate of at least one-and-one half times the basic rate of pay for all hours worked over eight hours a day or 40 hours a week whichever is greater.

The Davis-Bacon Act requires the payment of prevailing wages and fringe benefits, as determined by the Secretary of Labor, to laborers and mechanics employed on federal public works contracts exceeding $2,000.

The McNamara-O'Hara Service Contract Act applies to federal contracts for such services as laundry and dry cleaning, custodial and janitorial services, guard service, packing and crating, food service and miscellaneous housekeeping services. If the contract amount exceeds $2,500, the service employees must be paid prevailing wages and fringe benefits, as determined by the Secretary of Labor. In most instances, employees subject to the McNamara-O'Hara Service Contract Act are also covered by the federal Contract Work Hours and Safety Standard Act, which requires payment of at least time and one-half the regular rate of pay for hours worked in excess of 40 in the week or eight in the day, whichever is greater.

State Prevailing Wage Laws

New York State has two prevailing wage laws. One requires prevailing wages and fringe benefits for workmen, laborers and mechanics employed

on such public works projects as building of schools or roads for a governmental agency. The second law requires the payment of prevailing wages and supplements to building service employees such as watchmen, porters, elevator operators and window cleaners, and to sanitation and furniture moving employees, who work for a contractor under a contract with a public agency which is more than $1,500. Also covered are employees who deliver fuel oil under such contract with public agencies. Prevailing wages are established by the Commissioner of Labor except in cities, where they are established by the city controller.

Equal Pay

An employer may not differentiate in rates of pay solely because of sex where men and women are employed in the same establishment to do equal work on jobs requiring equal effort, skill and responsibility, and which is performed under similar working conditions. Differentials in pay between employees based on factors other than sex, such as length of service, and quality and quantity of work, are permitted.

The Commissioner of Labor may enforce claims of workers based on violations of the Equal Pay Law in the same manner and with the same penalties as apply to any violation of the wage payment laws.

Federal legislation also prohibits wage differentials based on sex in any establishment subject to the Fair Labor Standards Act.

Payment of Wages

Factory or other manual workers must be paid their wages weekly. The employer has seven days after the end of the week in which the wages are earned to pay the employee. However, a manual worker employed by a nonprofitmaking organization may be paid in accordance with the agreed terms of employment but not less frequently than semi-monthly.

Railroad or sleeping car employees must be paid on or before every Thursday the wages earned up to Tuesday of the preceding week.

Commission salesmen must receive wages, salary, drawing account, or commissions at such times as provided in the employment agreement, but they must be paid at least once a month and not later than the last day of the month following the month in which the money is earned. If a salesman receives monthly payments of wages, salary, drawing account, or commissions that are substantial, additional compensation such as

bonuses or "incentive" earnings may be paid at such times as agreed by the employer and salesman.

Clerical and other workers must be paid in accordance with the agreed terms of employment but not less frequently than semimonthly. (Note, however, that regardless of the terms of the employment agreement, office and white collar workers in railroad or sleeping car firms must be paid on or before Thursday of each week the wages earned during the seven day period ending on Tuesday of the preceding week.)

No deductions may be made from wages, except deductions which are required by law such as social security and income tax, and deductions which are authorized in writing by the employee and are for the benefit of the employee. Such authorized deductions may include payments for insurance premiums, pension, contributions to charitable organizations, payment for U.S. bonds, payments for union dues, and similar payments for the benefit of the employee.

An employer, for example, may not deduct from a youngster's wages the cost of breakage, spoilage of materials or cash shortages, nor exact a penalty for lateness, other than nonpayment for time lost. A repayment by separate transaction for these items also is prohibited.

Appropriation of an employee's tips is prohibited by law. The law prohibits an employer or any other person from accepting any part of the gratuities received by an employee or from retaining any part of a charge purported to be a gratuity for an employee. This prohibition does not apply to hat checking. The law also does not affect practices in connection with banquets where a fixed percentage of a patron's bill is added for gratuities, which are distributed to employees, or to the sharing of tips by a waitress with a busboy or similar employee.

All workers, including office workers, must be paid in cash, unless the employer receives permission from the Commissioner of Labor to pay by check. In order to obtain such permission, the employer must show satisfactory proof of financial responsibility, and facilities must exist for employees to cash their checks for the full amount and without difficulty. This cash payment requirement does not apply to any person employed in a bona fide executive, administrative or professional capacity, whose earnings are in excess of $300 a week, nor to a farmer with respect to his farm employees if the farm is not connected with a factory. Employers may also deposit net wages in a bank or financial institution, but only with the employee's advance written consent.

Fringe Benefits

An employer is guilty of a misdemeanor if he fails to provide his employees the benefits and wage supplements that he has agreed to provide. Wage supplements include vacation or holiday pay, paid sick leave, reimbursement of expenses and other similar items. Every employer is required to notify his employees in writing or by publicly posting the employer's policy on sick leave, vacation, personal leave, holidays and hours.

The Department of Labor has the authority to administer the law requiring payment of agreed fringe benefits.

Collection of Wages

The Department of Labor assists young people and others in the collection of their unpaid wages. A claim for unpaid wages is investigated by the department's Labor Standards Division and an attempt is made to adjust equitably the differences between the employer and the employee.

The Commissioner of Labor is authorized to institute criminal proceedings for failure to pay wages. The Commissioner of Labor may also require an employer to pay interest and civil penalties on unpaid wages. The commissioner also may take an assignment of the employee's wage claim and may institute a civil suit to recover the wages due. Where civil action is brought to recover unpaid wages and the failure to pay wages is found to be willful, the employer may be required to pay an additional amount of 25 percent of the claim in liquidated damages.

Cost of Medical Examinations

If in seeking a job an employee is required to obtain a medical examination, the cost of the medical examination must be met by the employer. However, a collective bargaining agreement may require the job applicant to pay for the medical examination, provided he or she is reimbursed by the employer after a reasonable period of employment.

Workers' Compensation

Workers' compensation is payable when the minor is injured in an **on-the-job accident.** If he or she is injured in any way in the course of his or her employment, injuries are covered by workers' compensation. Compensation also is provided for **occupational diseases.**

Minors 14 years of age and older engaged as baby-sitters or in casual employment consisting of yard work and household chores in and about a one-family owner-occupied residence or the premises of a nonprofit, noncommercial organization, not involving the use of power-driven machinery, are not covered by the Workers' Compensation law. The term "casual" in this reference means occasional, without regularity, without foresight, plan or method.

An injured youngster should report the accident immediately and in writing to his or her employer or foreman. The minor has the right to be treated by his or her own doctor, if the doctor is authorized by the Workers' Compensation Board to treat such injuries. The employer must report the accident to the Workers' Compensation Board.

Benefits include weekly cash benefits for time lost from the job and necessary medical care. The injured youth is entitled to compensation if the injury keeps him or her from working more than one week, compels him or her to work at lower wages, or leaves him or her with any permanent injury. Compensation generally is limited to two-thirds of the minor's weekly wage, but not exceeding a stipulated maximum. Medical benefits are payable regardless of whether the employee has lost time from the job.

If a minor less than 18 years of age is injured while working in violation of the provisions of the Labor Law or of an Industrial Code Rule prohibiting or regulating the employment of minors under 18, his or her compensation is double the regular award. The employer cannot insure himself for the additional payment but must pay it himself. This double indemnity provision also applies to a newspaper publisher or distributor who knowingly permits a newspaper carrier to work in violation of the provisions of the Education Law.

The cost of providing workers' compensation insurance must be met entirely by the employer. Deductions may not be made from the employee's wages for such costs.

Farm laborers are covered by the Workers' Compensation Law if their employer paid his farm workers cash wages of $1,200 or more in the preceding calendar year. An employer, not covered, may also provide insurance voluntarily. Domestic workers, other than those employed on farms, employed by the same employer for a minimum of 40 hours per week, are also covered by workers' compensation.

Disability Benefits

Disability benefits are paid for **off-the-job injuries or illness.** Weekly cash benefits partially to replace lost wages are provided by the Disability Benefits Law. Medical care is not provided.

The Disability Benefits Law covers employees of firms having one or more employees on each of at least 30 days in any calendar year. Elementary, junior high and high school students in regular attendance at a daytime school who work part-time after school or during their regular vacation periods are *not* covered. Among other exclusions are agricultural workers and golf caddies.

Benefits of 50 percent of wages, but not more than a stipulated maximum, are paid during disability periods up to 26 weeks in any 52-week period. There is a waiting period of seven days. Both employers and employees may contribute to the cost of providing off-the-job disability insurance. The employee may be required to pay one-half of one percent of wages, but not more than 60 cents a week; the additional cost is met by the employer. The disability program is administered by the Workers' Compensation Board.

Unemployment Insurance

The Unemployment Insurance Law provides for payment of benefits to qualified workers during periods of unemployment. In general, all employees in firms in which the employer had a payroll of $300 or more during any calendar quarter are covered by unemployment insurance. Domestic workers are covered if their employer paid his domestic employees cash wages of $500 or more in a calendar quarter.

Employees of non-profit religious, charitable, scientific, literary, or educational organizations are covered if their employers paid cash wages of $1,000 or more in a calendar quarter, or employed four or more persons on one day in at least 20 different weeks during a calendar year or the preceding calendar year. Farm workers are covered if their employer had a payroll of $20,000 or more in any calendar year, employed 10 or more persons on one day in at least 20 different weeks during a calendar year or the preceding calendar year, or is liable under the Federal Unemployment Tax Act (FUTA) with respect to agricultural labor. Local governments are covered without any qualifying conditions.

Certain workers are generally excluded from protection: These include daytime students in elementary and high schools who work after

school or during vacation periods, baby sitters under the age of 18, all children under 14 years of age and golf caddies unless employed by a non-profit organization or governmental subdivision.

Unemployment benefits depend upon the employee's average weekly wage, with a stipulated maximum. Benefits are payable for a maximum period of 26 weeks. A claimant must have worked in insured employment in each of at least 20 of the 52 weeks immediately preceding the filing of his or her claim and must have earned an average of $80 a week for 20 of those weeks. A claimant also may be eligible for benefits if he or she worked 15 weeks in the preceding 52 and a total of 40 weeks overall in the past 104, with average weekly earnings of $80.

An unemployed worker may continue to receive unemployment payments while participating in an approved course of vocational training or basic education.

The cost of providing unemployment insurance benefits is met entirely by the employer.

Claimants for unemployment benefits should file a claim at the nearest unemployment insurance office of the Unemployment Insurance Division of the New York State Department of Labor.

State Job Service

The New York State Job Service provides a no fee placement service for applicants seeking employment and for employers who need workers. Special assistance is provided to youth.

Employment counselors help young people in the transition from school to a job. Youths are assisted in developing job plans which can be realistically implemented in the local labor market. Occupational and educational information is provided and young people are helped to identify vocational potentials. Information may be obtained at the nearest office of the New York State Job Service.

Other Youth Services

The Joint High School Program - In New York City, in approximately 46 cooperating high schools, New York State Job Service staff register seniors who plan to work after graduation. The seniors are helped through a discussion of their interests, school performance, performance on aptitude tests and other work-related activities to select appropriate kinds

of work. Drop-outs are also assisted to find jobs as quickly as possible after leaving school.

During the year, students are registered and referred to part-time employment. Toward the end of the school year, students planning full time work after graduation, are referred to suitable job openings. In other areas of the state, cooperative activities are undertaken based on the needs of the schools, and the capacities of the school guidance staff and local state Job Service office personnel.

Youth Employment - Under the guidance of specially trained interviewers and vocational counselors, many out-of-school youths are counseled and/or referred to suitable jobs. Special efforts are made to place disadvantaged and/or inexperienced youths aged 16 to 22. Unemployed youths in need of training are frequently referred to training sponsored under the federal Job Training Partnership Act (JTPA), local school programs and community based agency training programs. For example, youths are referred under programs developed through recent JTPA youth legislation to Youth Employment and Training Programs conducted by JTPA Service Delivery Areas.

Targeted Jobs Tax Credit Program - Special incentives for employers to hire youth are provided under the TJTC Program.

For each youth aged 18 through 24, certified by the Job Service as being a member of an economically disadvantaged family, an employer may claim a federal tax credit equal to 40 percent of the first $6,000 of wages ($2,400 maximum) paid to each eligible individual during the first year of employment.

Young people aged 16 through 19 from economically disadvantaged families and participating in approved cooperative education programs also qualify the employer for the tax credit described above.

For each youth aged 16 or 17, first hired between May 1 and September 15 and certified by the Job Service as being a member of an economically disadvantaged family, the employer may claim a federal tax credit equal to 85 percent of the first $3,000 wages ($2,550 maximum) paid for any 90-day period between May 1 and September 15.

The total tax credits earned by an employer during a given year may be used to offset 90 percent of the firm's federal income tax liability. Any unused credit may be carried back three years or carried forward 15 years. For further information and assistance in participating in this program contact the nearest office of the sfate Job Service.

Job Corps - The Job Service Division works closely with the Regional Office of the U.S. Department of Labor to recruit young men and women for entrance into the Job Corps. Job Corps offers basic education and vocational skills training in residential centers throughout New York State and in out-of-state centers.

Summer Jobs for Youth - Each year the Job Service Division promotes the hiring of youths on summer jobs and refers youth to summer job openings.

School to Employment Program (STEP) - STEP is designed to provide economically disadvantaged youth with work experience, on-the-job training, and job placement while encouraging them to continue their education. The program emphasizes service to youth who are homeless or receiving aid for dependent children.

The program provides eligible youth 16-18 with incentives for remaining in school or continuing their education while working or while engaged in on-the-job training. Program activities also include GED preparation, tutoring, and counseling.

Adolescent Vocational Exploration (AVE) - The Adolescent Vocational Exploration Program, a career education program for youth, attempts to intervene in the life experience of "at-risk" youth at a point before the youth are forced to face the consequences of inadequate preparation for the job market. Intervention may begin at 14, while there is still time for youth to identify and shape their own skills and vocational direction.

AVE provides an opportunity for youth to learn what skills and attitudes will be needed to become employable, the importance of the formal preparation school provides, and to obtain "first-hand" experience in jobs and through interaction with role models in their local communities.

The program is designed for economically disadvantaged youth, ages 14 through 17, who are in need of extraordinary support due to environmental, economic, or personal circumstances; these may include underachievers, truants, or potential dropouts. Program activities include field and classroom career exploration, group and individual counseling, and educational activities leading to academic credit.

Program implementation involves the active collaboration of the Department of Labor and community-based organizations (CBOs) along with the involvement of a variety of agents including local employers, schools, the State Education Department and Service Delivery Areas (SDAs).

Cooperative Educational Programs

Local education agencies throughout the state are engaged in Cooperative Occupational Education Programs where students at least 14 years of age and older are being trained cooperatively by employers and these agencies. These programs employ various systems of alternating school classroom instruction with appropriately related on-the-job work experience to help students realize their occupational goals.

Secondary education programs of this type must be approved by the State Education Department, Office of Occupational and Continuing Education. It is important that each local program include specific health and safety instruction as part of a cooperatively developed training plan and written training agreement for each job placement. A trained, certified cooperative coordinator is responsible for the development of this plan, as well as for periodic visitations on the job and, in some programs, for school related instruction.

For participants 16 years of age, combined school and work time may not exceed eight hours a day. Participants 14 and 15 years old may not work more than four hours a day on school days. (Federal law restricts employment for this age group to three hours a day.) As in other work-experience programs, cooperative occupational education students under the age of 18 must obtain working permits and be paid according to the appropriate minimum wage orders. Participants 14 and 15 years old may not work during school hours without special approval to do so.

School to Employment Program

Supervised work experience for youths 15 years of age or older who are potential dropouts is provided under this program. The students go to school part-time and work part-time for a governmental agency or private employer. While working, they may be paid by their local school district.

Apprenticeship Program

The Labor Department's Job Service Division has an Apprentice Training Section which helps to set up training programs in a large number of skilled trades. These programs are operated by management and labor, not by the Labor Department, but they must meet established standards including a requirement that apprentices be selected on a non-discrimination basis before they may be registered with the department. There are over 300 apprenticeable occupations, mostly in the automotive, air-

craft, construction, electronic, food processing, garment, jewelry, metal, painting, photographic, pipe fitting, plumbing, printing, railroad service, tool and die making, upholstery and woodworking industries.

Transportation by Truck of Seasonal Farm Workers

A truck used in transporting children or adult workers more than five miles must have securely attached seats for two-thirds of the persons transported, securely attached side racks at least three feet in height, and a securely closed tailboard or tailgate. Furthermore, where more than five youngsters under the age of 18 are being transported, at least one adult must ride in the body of the truck.

Licensing of Hairdressers and Barbers

No person may engage in the practice of hairdressing and cosmetology without a license issued by the Secretary of State. An applicant for such a license must submit a doctor's certificate showing freedom from any communicable disease and must have completed a course in hairdressing and cosmetology. Licenses are not issued to minors under 17. Manicurists are not covered by these provisions.

Any person over the age of 17 may make an application to the Secretary of State to engage in the practice of barbering. A barber's license is issued after completion of two years of apprenticeship or 18 months of apprenticeship in addition to graduation from an approved barbering school in New York State, or three years of barbering experience outside the State of New York.

Anti-Discrimination

The New York State Human Rights Law prohibits discrimination in employment based on the applicant's race, creed, color, national origin, sex, disability, age (protects those who are 18 years of age or over), or marital status. The law also prohibits discrimination in employment because of prior convictions, or because a person was involved in a criminal proceeding which was terminated in his or her favor. The law also prohibits employers, employment agencies, labor unions and joint labor-management committees from discriminatory practices in the conduct of

apprenticeship programs. The state Division of Human Rights enforces the law.

Sale of Goods Produced with Employment of Minors

The General Business Law prohibits the sale in this state of any goods manufactured or mined in this state or in any other state through the use of children less than 16 years of age, if the seller had notice of such employment.

Violations

Violations of any provision of the Labor Law, the Industrial Code, or any rule, regulation, or lawful order of the Department of Labor is a misdemeanor and is punishable by fine or imprisonment, or both. The Labor Law also provides for the imposition of civil penalties of up to $500 for each violation of labor laws governing the employment of minors under 18 years of age by an employer.

An employer may not penalize or discharge an employee because he or she has complained to the Labor Department that the employer has violated any provision of the Labor Law.

The federal Fair Labor Standards Act authorizes the Secretary of Labor to assess a civil money penalty of up to $1,000 for each violation of the child labor provisions or any of its regulations. This penalty is in addition to those provisions for fines, imprisonment or restraint by injunction.

Administrative Agencies

The provisions governing the employment of minors in New York State are enforced by the various government agencies authorized to administer the particular laws involved. The addresses of the main offices of these agencies in New York State follow:

New York State Department of Labor, Division of Labor Standards:

Albany ..... 457-2730 (518) State Campus, 12240
Binghamton ..... 772-6678 (607) 221 Washington Street, 13905
Brooklyn ..... 797-7499 (718) One Main Street, 11201
Buffalo ..... 847-7141 (716) 65 Court Street, 14202
Hempstead ..... 481-6064 (516) 175 Fulton Avenue, 11550
Rochester ..... 258-4550 (716) 155 Main Street, West, 14614
Syracuse ..... 428-4057 (315) 333 East Washington Street, 13202
Utica ..... 793-2321 (315) 207 Genesee Street, 13501
White Plains ..... 997-9521 (914) 30 Glenn Street, 10603

New York State Department of Education:

Albany ..... State Education Building, 12224

City Boards of Education:

Albany ..... 1015 Watervliet-Shaker Road, 12205
Binghamton ..... 98 Oak Street, 13905
Buffalo ..... 712, City Hall, 14202
New York City ..... 110 Livingston Street, Brooklyn, 11201
Rochester ..... 131 W. Broad Street, 14608
Syracuse ..... 725 Harrison Street, 13210
Utica ..... 13 Elizabeth Street, 13501
Yonkers ..... 145 Palmer Road, 10701

New York State Department of Labor, Job Service Division, Apprentice Training Section:

Albany ..... State Campus, 12240
New York City ..... 55 West 125 Street, 10027

Administrative Agencies--Continued

State Division of Human Rights:

Albany	Alfred E. Smith Office Building, 12225
Binghamton	164 Hawley Street, 13901
Buffalo	69 Delaware Avenue, 14202
New York City	55 West 125th Street, 10027
Long Island	100 Main Street, Hempstead (Nassau) 11550
	NYS Office Building, Veterans Memorial Highway, Hauppauge (Suffolk), 11787
New York City	270 Broadway, 10007
	163 West 125 Street, 10027
	1360 Fulton Street, (Brooklyn), 11216
Rochester	259 Monroe Avenue, 14607
Syracuse	351 South Warren Street, 13202
White Plains	30 Glenn Street, 10603

United States Department of Labor,
Employment Standards Administration, Wage Hour Division:

Albany	Leo W. O'Brien Building 12207
Buffalo	617 Federal Building, 111 West Huron Street, 14202
Long Island	825 East Gate Blvd., Garden City, 11530
New York City	26 Federal Plaza, Room 3838, 10278
	1967 Turnbull Avenue, (Bronx), 10473

STATE LABOR LAW

Copies of the New York State Labor Law are available at $5 each. They may be obtained by writing to the New York State Department of Labor, Office of Communications, Building 12, State Campus, Albany, N.Y. 12240. Remittances should be made payable to the *New York State Department of Labor*.

NOTE: There is **no charge** for **Laws Governing the Employment of Minors.**